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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,017	05/10/2001	Asaf Tamir	452/65048	5152

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EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,017

Applicant(s)

TAMIR ET AL.

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-23 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-23 and 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Response to Arguments

1. Applicant's arguments with respect to claims 22- have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22 and 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Vardanyan et al (6,079,621).

In regard to claim 22, Vardanyan et al. show in Figure 2, a credit-card sized apparatus capable of receiving and processing audio signals, comprising: a) a power source (power strip, item 4, col. 3, ln 10-14), b) an input device capable of receiving human voice inputs (microphone, item 3, col. 3, ln 22-25); and c) a data processing device capable of processing said human voice inputs (processor, item 2, col. 3, ln 6-10).

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In regard to claim 36, Vardanyan et al. show the system discussed above in which the data processing device is adapted to activate an application if a match is found in the comparison ("controlling access to ATMs or other security data", col. 4).

In regard to claims 35 and 37, Vardanyan et al. show in Figure 2, a credit-card sized apparatus capable of receiving and processing audio signals that can compare voice patterns in a database (col. 3, ln 47-62) and comprises a data provision unit and wherein the data processing device is adapted to activate the data provision unit, if a match is found in the comparison (activate the magnetic strip, Abstract).

In regard to claim 38, Vardanyan et al. show the system discussed above wherein the data provision unit comprises a magnetic strip (Fig. 4, item 5, col. 4, ln 6).

In regard to claim 39, Vardanyan et al. show the system discussed above, wherein the data provision unit comprises a smart chip (EEPROM, Fig. 3, col. 3).

In regard to claim 40, Vardanyan et al. show the data processing device is adapted to compare human voice inputs to the voice patterns of the database, with regard to the general voice characteristics (col. 3, ln 47-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardanyan et al. in view of W0 94/17498 (Laboton et al.), cited by Applicant.

In regard to claim 23, Vardanyan et al. show in Figure 2, a credit-card sized apparatus capable of receiving and processing audio signals discussed above. They do not specifically show it contain a device that can output human-audible sounds. Labaton et al. show a credit card system for storing and retrieving transaction information. This system contains an audio transducer which can be used to output human audible sounds (Abstract, item 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with more flexibility.

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardanyan et al. in view of Rabin (6,081,782).

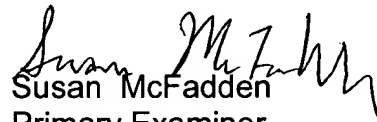
In regard to claim 41, Vardanyan et al. show the system discussed above. They do not specifically show that the data processing device is adapted to compare human voice inputs to the voice patterns of the database, with regard to their word content. Rabin shows a system which includes features for recognizing voice patterns and word content (col. 7). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add this feature because it provides the system with added security by not providing access to unauthorized users who don't know the correct commands (col. 2, ln 10-14).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan McFadden
Primary Examiner
Art Unit 2655

April 26, 2005